

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: DeWeerd, et al.  
Serial No.: 09/674,585  
Filed: July 20, 1999  
For: ELECTRO-OPTICAL MECHANICAL INSTRUMENT  
Docket No. 60,132-074

**DECLARATION OF CHERYL BOISCLAIR**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Cheryl Boisclair makes the following declaration from personal knowledge and under the penalty of perjury.

1. On July 20, 1999, an international patent application was filed designating the United States and was assigned Patent Application No. 09/674,585. At this time, the inventors, known to be Herman DeWeerd, Michael Beach, and Jose Hernandez, were each employed by Vitek Vision Corporation, 785 Bridge, Waterloo, Ontario N2V 2K1, Canada.

2. On February 16, 2001, at approximately 10:29 AM, I forwarded an email to Jackie Walton, the docketing paralegal at Howard and Howard Attorneys, P.C., indicating the addresses of the above-referenced inventors for this and other patent applications currently being prosecuted.

3. The last known address of Jose Hernandez is indicated in the email of February 16, 2001, as 81 Cross Street, Apt. No. 2, Somerville, Massachusetts 02145, with the telephone number being (617) 776-3874.

4. On February 19, 2001, a copy of the declaration and assignment associated with Patent Application No. 09/674,585 was forwarded to each of the inventors, including Jose Hernandez, at the last known address of Jose Hernandez.

5. No response was received to the letter sent along with the assignment and declaration from Jose Hernandez.

6. On April 18, 2001, I called Jose Hernandez at his last known telephone number, (617) 776-3874, to which I received an incoming phone message, "Hi. It's Rob. Leave a message", on which I left a message that was not returned.

7. I called the last known telephone number of Jose Hernandez, (617) 776-3874, at least two times, each time leaving a message with no response.

8. On May 10, 2001, Gregory D. DeGrazia at Howard and Howard Attorneys, P.C. forwarded a letter and additional copies of assignment and declaration papers to each of the inventors, including Jose Hernandez at his last known address. As of June 11, 2001, no response has been received from Jose Hernandez.

9. After repeated attempts, I have not been able to ascertain the location of Jose Hernandez.

10. Jose Hernandez, as part of his employment with Virtek Vision Corporation on April 20, 1998, signed the attached employment agreement indicating his requirement to assign all rights, title and interest in and to all work product prepared by Jose Hernandez to Virtek Vision Corporation.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



Cheryl Boisclair

Dated: June 19<sup>th</sup>, 2001